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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,015	12/09/2003	Rolf Honegger	068754-0292	2778
22428	7590	06/30/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			HALPERN, MARK	
			ART UNIT	PAPER NUMBER
			1731	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/730,015

Applicant(s)

HONEGGER ET AL.

Examiner

Mark Halpern

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) 13-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1) Acknowledgement is made of Amendment received 4/25/2005. Claims 1, 10, are amended, claim 11 is cancelled, and new claim 26 is offered for consideration. Claims 13-25, remain withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claims 1-10, 12, 26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewecke (DE 196 00 348) (inventor is not named; applicant is Lewecke Maschinenbau GmbH, translated copy) in view of Lisec (5,873,922).

Claims 1-7, 9, 12, 26: Lewecke discloses shelving for sheets of different types, including glass sheets. The system includes shelving for storage of remainders, which are stored in vertical compartments for vertical storage of sheets and of a material sheet vehicle with a sheet reception for vertical in-and-out storage and for vertical or horizontal or tilted transportation of sheets to and from processing installation. The system includes extracting the sheets from the storage, cutting the sheets, loading the sheets on the sheet vehicle for transport to processing installation, and placing the remainders back into the storage. The cutting of sheets takes place while the sheets

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are supported by the storage or while the sheets are out of the storage. The storing of sheets in and out takes place in a computer-controlled manner in a predetermined sequence (pgs. 2-7, and Figures 1-7). Lewecke does not disclose the amended claim 1 feature wherein the glass plate sheet is being scribed before dividing the sheet.

Lisec discloses a process for dividing glass wherein the glass is scribed by multiple notches: such as X-notches, Y-notches, W-notches, the notches extending in different directions, before dividing the sheet as shown in Figure 1 (col. 2, line 31 to col. 3, line 67). It would have been obvious to one skilled in the art at the time the invention was made, to combine the teachings of Lewecke and Lisec, because such a combination would provide for maximum utilization of glass sheet utilizing minimum of space in the process of Lewecke as disclosed by Lisec (col. 1, line 49 to col. 2, line 12).

Claim 8: upon delivery of the sheets the glass sheets are mechanically re-positioned, as required in the process.

Claim 10: a glass may also be withdrawn from the storage and delivered to the processing stage without dividing the glass into portions.

Response to Amendment

- 3) Corrected Abstract is accepted.
- 4) Claim 10 rejection under 35 U.S.C. 112, second paragraph, is withdrawn in view of amended claim.
- 5) Claims 1-10, rejection under 35 U.S.C. 102(b) as being anticipated by Lewecke (DE 196 00 348), is withdrawn in view of amended claims.

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6) Claims 11-12, rejection under 35 U.S.C. 103(a) as being unpatentable over Lewecke in view of Oberg (4,277,889), is withdrawn in view of amended claims and cancelled claim.

7) Applicant's arguments with respect to claims 1-10, 12, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Halpern whose telephone number is 571-272-1190. The examiner can normally be reached on Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "M. Halpern", with a stylized, flowing script.

Mark Halpern
Primary Examiner
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